

SENATE BILL 275

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CF HB 467

By: **The President (By Request – Administration) and Senators Pinsky and King**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Education – Maryland Longitudinal Data System**

3 FOR the purpose of establishing the Maryland Longitudinal Data System as a
4 statewide data system containing certain student data from all levels of
5 education and into the State’s workforce; limiting the linkage of certain student
6 and workforce data under the Maryland Longitudinal Data System to a certain
7 period of time; establishing the purpose of the Maryland Longitudinal Data
8 System; establishing the Maryland Longitudinal Data System Center as an
9 independent unit of State government; providing for the organizational
10 placement, location, staffing, and funding of the Center; providing for the
11 functions ~~and duties~~, duties, and requirements of the Center; providing that the
12 Center shall be considered an authorized representative of certain State
13 educational agencies for certain purposes; establishing the Governing Board of
14 the Maryland Longitudinal Data System Center; providing for the membership
15 of the Governing Board; providing for the appointment and terms for certain
16 members of the Governing Board; providing for the duties of the Governing
17 Board; requiring certain agencies and public institutions to make certain efforts
18 to comply with certain requirements for the Maryland Longitudinal Data
19 System and to transfer certain data to the Maryland Longitudinal Data System
20 in accordance with a certain plan; authorizing private institutions of higher
21 education and private secondary schools ~~to provide student data for~~ to transfer
22 certain data to the Maryland Longitudinal Data System in accordance with a
23 certain plan; requiring the Governing Board to issue certain reports; requiring
24 the Center to adopt certain regulations; defining certain terms; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Governing Board to submit a certain plan to the Governor and the General Assembly on or before a certain date; requiring the Governing Board to brief certain legislative committees on or before a certain date regarding a certain plan; expressing a certain intent of the General Assembly; providing for the termination of a certain provision of this Act; and generally relating to the establishment of the Maryland Longitudinal Data System.

BY adding to

Article – Education

Section 24–701 through ~~24–706~~ 24–707 to be under the new subtitle “Subtitle 7. Maryland Longitudinal Data System”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

SUBTITLE 7. MARYLAND LONGITUDINAL DATA SYSTEM.

24–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CENTER” MEANS THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER.

(C) “DE-IDENTIFIED DATA” MEANS A DATA SET IN WHICH PARENT AND STUDENT IDENTITY INFORMATION, INCLUDING THE STATE ASSIGNED STUDENT IDENTIFIER AND STUDENT SOCIAL SECURITY NUMBER, HAS BEEN REMOVED.

(D) “GOVERNING BOARD” MEANS THE GOVERNING BOARD OF THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER.

(E) “STATE ASSIGNED STUDENT IDENTIFIER” OR “SASID” MEANS THE IDENTIFIER ASSIGNED TO EACH STUDENT BY:

(1) A LOCAL EDUCATION AGENCY BASED ON THE IDENTIFIER SYSTEM DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION; OR

(2) AN INSTITUTION OF HIGHER EDUCATION, IF THE STUDENT HAS NOT BEEN ASSIGNED AN IDENTIFIER BY A LOCAL EDUCATION AGENCY.

1 **(F) (1) “STUDENT DATA” MEANS DATA RELATING TO STUDENT**
2 **PERFORMANCE.**

3 **(2) “STUDENT DATA” INCLUDES:**

4 **(I) STATE AND NATIONAL ASSESSMENTS;**

5 **(II) COURSE-TAKING AND COMPLETION;**

6 **(III) GRADE POINT AVERAGE;**

7 **(IV) REMEDICATION;**

8 **(V) RETENTION;**

9 **(VI) DEGREE, DIPLOMA, OR CREDENTIAL ATTAINMENT;**

10 **(VII) ENROLLMENT; AND**

11 **(VIII) DEMOGRAPHIC DATA.**

12 **(3) “STUDENT DATA” DOES NOT INCLUDE:**

13 **(I) JUVENILE DELINQUENCY RECORDS;**

14 **(II) CRIMINAL AND CINA RECORDS;**

15 **(III) MEDICAL AND HEALTH RECORDS; AND**

16 **(IV) DISCIPLINE RECORDS.**

17 **(G) “WORKFORCE DATA” MEANS DATA RELATING TO:**

18 **(1) EMPLOYMENT STATUS;**

19 **(2) WAGE INFORMATION;**

20 **(3) GEOGRAPHIC LOCATION OF EMPLOYMENT; AND**

21 **(4) EMPLOYER INFORMATION.**

22 **24-702.**

23 **(A) THE STATE DEPARTMENT OF EDUCATION, MARYLAND HIGHER**
24 **EDUCATION COMMISSION, UNIVERSITY SYSTEM OF MARYLAND, MORGAN**

1 STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND DEPARTMENT
 2 OF LABOR, LICENSING, AND REGULATION JOINTLY SHALL ESTABLISH THE
 3 MARYLAND LONGITUDINAL DATA SYSTEM ~~THAT SHALL BE FULLY~~
 4 ~~OPERATIONAL BY DECEMBER 31, 2014.~~

5 (B) THE MARYLAND LONGITUDINAL DATA SYSTEM IS A STATEWIDE
 6 DATA SYSTEM THAT CONTAINS INDIVIDUAL-LEVEL STUDENT DATA AND
 7 WORKFORCE DATA FROM ALL LEVELS OF EDUCATION AND THE STATE'S
 8 WORKFORCE, AND ALLOWS ~~USERS~~ THE CENTER TO:

9 (1) EFFECTIVELY ORGANIZE, MANAGE, DISAGGREGATE, AND
 10 ANALYZE INDIVIDUAL STUDENT DATA; AND

11 (2) EXAMINE STUDENT PROGRESS AND OUTCOMES OVER TIME,
 12 INCLUDING PREPARATION FOR POSTSECONDARY EDUCATION AND THE
 13 WORKFORCE.

14 (C) THE LINKAGE OF STUDENT DATA AND WORKFORCE DATA FOR THE
 15 PURPOSES OF THE MARYLAND LONGITUDINAL DATA SYSTEM SHALL BE
 16 LIMITED TO NO LONGER THAN 5 YEARS FROM THE DATE OF LATEST
 17 ATTENDANCE IN ANY EDUCATIONAL INSTITUTION IN THE STATE.

18 ~~(C)~~ (D) THE PURPOSE OF THE MARYLAND LONGITUDINAL DATA
 19 SYSTEM IS TO:

20 ~~(1) FACILITATE AND ENABLE THE EXCHANGE OF STUDENT DATA~~
 21 ~~AMONG AGENCIES AND INSTITUTIONS WITHIN THE STATE; AND~~

22 ~~(2)~~ (1) GENERATE TIMELY AND ACCURATE INFORMATION
 23 ABOUT STUDENT ~~ACHIEVEMENT~~ PERFORMANCE THAT CAN BE USED TO
 24 IMPROVE THE STATE'S EDUCATION SYSTEM AND GUIDE DECISION MAKERS AT
 25 ALL LEVELS; AND

26 (2) FACILITATE AND ENABLE THE LINKAGE OF STUDENT DATA
 27 AND WORKFORCE DATA.

28 24-703.

29 (A) THERE IS A MARYLAND LONGITUDINAL DATA SYSTEM CENTER.

30 (B) THE CENTER IS AN INDEPENDENT UNIT WITHIN STATE
 31 GOVERNMENT.

32 (C) THE ORGANIZATIONAL PLACEMENT AND LOCATION OF THE CENTER
 33 SHALL BE DETERMINED BY THE GOVERNING BOARD.

1 (D) (1) THE HEAD OF THE CENTER IS THE EXECUTIVE DIRECTOR,
2 WHO SHALL BE APPOINTED BY THE GOVERNING BOARD.

3 (2) THE CENTER MAY EMPLOY THE ADDITIONAL STAFF
4 NECESSARY TO CARRY OUT THE CENTER'S FUNCTIONS AS PROVIDED IN THE
5 STATE BUDGET.

6 (E) THE CENTER SHALL BE CONSIDERED AN AUTHORIZED
7 REPRESENTATIVE OF THE STATE DEPARTMENT OF EDUCATION AND THE
8 MARYLAND HIGHER EDUCATION COMMISSION UNDER APPLICABLE FEDERAL
9 AND STATE STATUTES FOR PURPOSES OF ACCESSING AND COMPILING STUDENT
10 RECORD DATA FOR RESEARCH PURPOSES.

11 ~~(E)~~ (F) THE CENTER SHALL PERFORM THE FOLLOWING FUNCTIONS
12 AND DUTIES:

13 (1) SERVE AS A CENTRAL REPOSITORY OF ~~THE DATA~~ STUDENT
14 DATA AND WORKFORCE DATA IN THE MARYLAND LONGITUDINAL DATA
15 SYSTEM, INCLUDING DATA SETS PROVIDED BY:

16 (I) THE STATE DEPARTMENT OF EDUCATION;

17 (II) LOCAL EDUCATION AGENCIES;

18 (III) THE MARYLAND HIGHER EDUCATION COMMISSION;

19 (IV) INSTITUTIONS OF HIGHER EDUCATION; AND

20 (V) THE DEPARTMENT OF LABOR, LICENSING, AND
21 REGULATION; ~~AND~~

22 ~~(VI) THE GOVERNOR'S WORKFORCE INVESTMENT BOARD;~~

23 (2) OVERSEE AND MAINTAIN THE WAREHOUSE OF THE
24 MARYLAND LONGITUDINAL DATA SYSTEM DATA SETS;

25 (3) ENSURE ROUTINE AND ONGOING COMPLIANCE WITH THE
26 FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER
27 RELEVANT PRIVACY LAWS AND POLICIES, INCLUDING:

28 (I) THE REQUIRED USE OF DE-IDENTIFIED DATA IN DATA
29 RESEARCH AND REPORTING;

1 (II) THE REQUIRED DISPOSITION OF INFORMATION THAT IS
2 NO LONGER NEEDED;

3 (III) PROVIDING DATA SECURITY, INCLUDING THE CAPACITY
4 FOR AUDIT TRAILS; AND

5 (IV) PROVIDING FOR PERFORMANCE OF REGULAR AUDITS
6 FOR COMPLIANCE WITH DATA PRIVACY AND SECURITY STANDARDS; AND

7 ~~(IV)~~ (V) IMPLEMENTING GUIDELINES AND POLICIES THAT
8 PREVENT THE REPORTING OF OTHER POTENTIALLY IDENTIFYING DATA;

9 (4) ~~PERFORM~~ CONDUCT RESEARCH USING TIMELY AND
10 ACCURATE STUDENT ~~ACHIEVEMENT DATA~~ DATA AND WORKFORCE DATA TO
11 IMPROVE THE STATE'S EDUCATION SYSTEM AND GUIDE DECISION MAKING BY
12 STATE AND LOCAL GOVERNMENTS, EDUCATIONAL AGENCIES, INSTITUTIONS,
13 TEACHERS, AND OTHER EDUCATION PROFESSIONALS;

14 (5) CONDUCT RESEARCH RELATING TO:

15 (I) THE IMPACT OF STATE AND FEDERAL EDUCATION
16 PROGRAMS;

17 (II) THE PERFORMANCE OF EDUCATOR PREPARATION
18 PROGRAMS; AND

19 (III) BEST PRACTICES REGARDING CLASSROOM
20 INSTRUCTION, EDUCATION PROGRAMS AND CURRICULUM, AND SEGMENT
21 ALIGNMENT;

22 ~~(5)~~ (6) ~~FACILITATE~~ FULFILL INFORMATION AND DATA
23 REQUESTS TO FACILITATE STATE AND FEDERAL EDUCATION REPORTING WITH
24 EXISTING STATE AGENCIES AS APPROPRIATE; AND

25 ~~(6)~~ (7) FULFILL APPROVED PUBLIC INFORMATION REQUESTS.

26 (G) (1) DIRECT ACCESS TO DATA IN THE MARYLAND LONGITUDINAL
27 DATA SYSTEM SHALL BE RESTRICTED TO AUTHORIZED STAFF OF THE CENTER.

28 (2) THE CENTER MAY ONLY USE DE-IDENTIFIED DATA IN THE
29 ANALYSIS, RESEARCH, AND REPORTING CONDUCTED BY THE CENTER.

30 (3) THE CENTER MAY ONLY USE AGGREGATE DATA IN THE
31 RELEASE OF DATA IN REPORTS AND IN RESPONSE TO DATA REQUESTS.

1 **(4) DATA THAT MAY BE IDENTIFIABLE BASED ON THE SIZE OR**
2 **UNIQUENESS OF THE POPULATION UNDER CONSIDERATION MAY NOT BE**
3 **REPORTED IN ANY FORM BY THE CENTER.**

4 **(5) THE CENTER MAY NOT RELEASE INFORMATION THAT MAY**
5 **NOT BE DISCLOSED UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND**
6 **PRIVACY ACT AND OTHER RELEVANT PRIVACY LAWS AND POLICIES.**

7 ~~(F)~~ **(H)** **THE CENTER MAY RECEIVE FUNDING FROM THE FOLLOWING**
8 **SOURCES:**

9 **(1) STATE APPROPRIATIONS;**

10 **(2) GRANTS OR OTHER ASSISTANCE FROM LOCAL EDUCATION**
11 **AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION;**

12 **(3) FEDERAL GRANTS;**

13 **(4) USER FEES; AND**

14 **(5) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR**
15 **PRIVATE ENTITIES RECEIVED BY THE CENTER.**

16 **24-704.**

17 **(A) THERE IS A GOVERNING BOARD OF THE CENTER.**

18 **(B) THE GOVERNING BOARD SHALL INCLUDE THE FOLLOWING**
19 **MEMBERS:**

20 **(1) THE SECRETARY OF HIGHER EDUCATION, OR THE**
21 **SECRETARY'S DESIGNEE;**

22 **(2) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF**
23 **MARYLAND, OR THE CHANCELLOR'S DESIGNEE;**

24 **(3) THE PRESIDENT OF MORGAN STATE UNIVERSITY, OR THE**
25 **PRESIDENT'S DESIGNEE;**

26 **(4) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE**
27 **SUPERINTENDENT'S DESIGNEE;**

28 **(5) THE SECRETARY OF LABOR, LICENSING, AND REGULATION,**
29 **OR THE SECRETARY'S DESIGNEE;**

1 **(6) A REPRESENTATIVE OF LOCAL SUPERINTENDENTS OF**
2 **SCHOOLS, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF**
3 **THE SENATE;**

4 ~~**(7) A REPRESENTATIVE OF COMMUNITY COLLEGES, APPOINTED**~~
5 ~~**BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; AND**~~

6 **(7) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION**
7 **OF COMMUNITY COLLEGES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND**

8 **(8) FOUR MEMBERS OF THE PUBLIC, APPOINTED BY THE**
9 **GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

10 **(C) ONE OF THE PUBLIC MEMBERS OF THE GOVERNING BOARD SHALL**
11 **HAVE EXPERTISE IN LARGE DATA SYSTEMS AND DATA SECURITY.**

12 **(D) THE GOVERNOR SHALL APPOINT A CHAIR OF THE GOVERNING**
13 **BOARD FROM AMONG ITS MEMBERS.**

14 **(E) A MEMBER APPOINTED BY THE GOVERNOR:**

15 **(1) SERVES AT THE PLEASURE OF THE GOVERNOR;**

16 **(2) SERVES FOR A TERM OF 3 YEARS AND UNTIL A SUCCESSOR IS**
17 **APPOINTED AND QUALIFIES; AND**

18 **(3) MAY BE REAPPOINTED BUT MAY NOT SERVE MORE THAN TWO**
19 **CONSECUTIVE TERMS.**

20 **(F) A MEMBER OF THE GOVERNING BOARD:**

21 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
22 **GOVERNING BOARD; BUT**

23 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
24 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
25 **BUDGET.**

26 **(G) THE GOVERNING BOARD SHALL:**

27 **(1) ESTABLISH THE ORGANIZATIONAL PLACEMENT AND**
28 **LOCATION OF THE CENTER AFTER SEEKING AND EVALUATING PROPOSALS**
29 **FROM INTERESTED ENTITIES BASED ON CRITERIA THAT SHALL INCLUDE:**

1 (I) THE ABILITY OF THE ENTITY TO SUPPORT THE
2 OPERATION OF A LARGE DATA SYSTEM;

3 (II) STRENGTH OF FUNDING SUPPORT; AND

4 (III) EXPERTISE IN DATA SECURITY;

5 (2) DEVELOP AN IMPLEMENTATION PLAN TO PHASE IN THE
6 ESTABLISHMENT AND OPERATION OF THE MARYLAND LONGITUDINAL DATA
7 SYSTEM AND THE CENTER;

8 (3) PROVIDE GENERAL OVERSIGHT AND DIRECTION TO THE
9 CENTER;

10 (4) APPROVE THE ANNUAL BUDGET FOR THE CENTER;

11 (5) ESTABLISH THE POLICY AND RESEARCH AGENDA OF THE
12 CENTER;

13 ~~(6) DEVELOP AND OVERSEE POLICIES TO COMPLY WITH THE~~
14 ~~FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND ANY OTHER~~
15 ~~PRIVACY MEASURES, AS REQUIRED BY LAW OR THE GOVERNING BOARD;~~

16 (6) BEFORE THE INCORPORATION OF ANY INDIVIDUAL DATA IN
17 THE MARYLAND LONGITUDINAL DATA SYSTEM:

18 (I) CREATE AN INVENTORY OF THE INDIVIDUAL STUDENT
19 DATA:

20 1. PROPOSED TO BE MAINTAINED IN THE SYSTEM;
21 AND

22 2. REQUIRED TO BE REPORTED BY STATE AND
23 FEDERAL EDUCATION MANDATES;

24 (II) DEVELOP AND IMPLEMENT POLICIES TO COMPLY WITH
25 THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND ANY
26 OTHER PRIVACY MEASURES, AS REQUIRED BY LAW OR THE GOVERNING BOARD;
27 AND

28 (III) DEVELOP A DETAILED DATA SECURITY AND
29 SAFEGUARDING PLAN THAT INCLUDES:

30 1. AUTHORIZED ACCESS AND AUTHENTICATION FOR
31 AUTHORIZED ACCESS;

1 **2. PRIVACY COMPLIANCE STANDARDS;**

2 **3. PRIVACY AND SECURITY AUDITS;**

3 **4. BREACH NOTIFICATION AND PROCEDURES; AND**

4 **5. DATA RETENTION AND DISPOSITION POLICIES;**

5 **(7) OVERSEE ROUTINE AND ONGOING COMPLIANCE WITH THE**
 6 **FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND OTHER**
 7 **RELEVANT PRIVACY LAWS AND POLICIES;**

8 **(8) ENSURE THAT ANY CONTRACTS THAT GOVERN DATABASES**
 9 **THAT ARE OUTSOURCED TO PRIVATE VENDORS INCLUDE EXPRESS PROVISIONS**
 10 **THAT SAFEGUARD PRIVACY AND SECURITY AND INCLUDE PENALTIES FOR**
 11 **NONCOMPLIANCE;**

12 **(7) (9) DESIGNATE A STANDARD AND COMPLIANCE TIMELINE FOR**
 13 **ELECTRONIC TRANSCRIPTS THAT INCLUDES THE USE OF SASID TO ENSURE**
 14 **THE UNIFORM AND EFFICIENT TRANSFER OF STUDENT DATA BETWEEN LOCAL**
 15 **EDUCATION AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION; AND**

16 **(8) (10) REVIEW RESEARCH REQUIREMENTS AND SET POLICIES FOR**
 17 **THE APPROVAL OF DATA REQUESTS FROM STATE AND LOCAL AGENCIES, THE**
 18 **MARYLAND GENERAL ASSEMBLY, AND THE PUBLIC.**

19 **24-705.**

20 **~~(A) LOCAL EDUCATION AGENCIES, COMMUNITY COLLEGES, PUBLIC~~**
 21 **~~SENIOR HIGHER EDUCATION INSTITUTIONS, AND STATE AGENCIES SHALL MAKE~~**
 22 **~~EVERY EFFORT TO COMPLY WITH THE DATA REQUIREMENTS AND~~**
 23 **~~IMPLEMENTATION SCHEDULE FOR THE MARYLAND LONGITUDINAL DATA~~**
 24 **~~SYSTEM AS SET FORTH BY THE GOVERNING BOARD.~~**

25 **~~(B) PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE~~**
 26 **~~SECONDARY SCHOOLS MAY PROVIDE STUDENT DATA TO THE MARYLAND~~**
 27 **~~LONGITUDINAL DATA SYSTEM.~~**

28 **24-706.**

29 **(A) THE GOVERNING BOARD SHALL REPORT TO THE GOVERNOR AND,**
 30 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE**
 31 **GENERAL ASSEMBLY ON OR BEFORE DECEMBER 15 OF EACH YEAR.**

~~(B) THE REPORT SHALL INCLUDE AN UPDATE ON THE IMPLEMENTATION OF THE MARYLAND LONGITUDINAL DATA SYSTEM AND THE CENTER'S ACTIVITIES DURING THE PRECEDING YEAR, AND ANY RECOMMENDATIONS MADE BY THE GOVERNING BOARD.~~

(B) THE REPORT SHALL INCLUDE:

(1) AN UPDATE ON THE IMPLEMENTATION OF THE MARYLAND LONGITUDINAL DATA SYSTEM AND THE CENTER'S ACTIVITIES;

(2) A LIST OF ALL STUDIES PERFORMED BY THE CENTER DURING THE REPORTING PERIOD;

(3) A LIST OF CURRENTLY WAREHOUSED DATA THAT IS DETERMINED TO BE NO LONGER NECESSARY TO CARRY OUT THE MISSION OF THE CENTER;

(4) ANY PROPOSED OR PLANNED EXPANSION OF DATA MAINTAINED IN THE DATABASE; AND

(5) ANY OTHER RECOMMENDATIONS MADE BY THE GOVERNING BOARD.

24-706.

THE CENTER SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

24-707.

(A) LOCAL EDUCATION AGENCIES, COMMUNITY COLLEGES, PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS, AND STATE AGENCIES SHALL:

(1) MAKE EVERY EFFORT TO COMPLY WITH THE DATA REQUIREMENTS AND IMPLEMENTATION SCHEDULE FOR THE MARYLAND LONGITUDINAL DATA SYSTEM AS SET FORTH BY THE GOVERNING BOARD; AND

(2) TRANSFER STUDENT DATA AND WORKFORCE DATA TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA

1 SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24-704(G)(6) OF
2 THIS SUBTITLE.

3 (B) PRIVATE INSTITUTIONS OF HIGHER EDUCATION AND PRIVATE
4 SECONDARY SCHOOLS MAY TRANSFER STUDENT DATA AND WORKFORCE DATA
5 TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE
6 DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24-704(G)(6)
7 OF THIS SUBTITLE.

8 SECTION 3. AND BE IT FURTHER ENACTED, That before the incorporation
9 of any individual data in the Maryland Longitudinal Data System, the Governing
10 Board of the Maryland Longitudinal Data Center shall report to the Governor and, in
11 accordance with § 2-1246 of the State Government Article, the General Assembly, on:

12 (1) the inventory of individual student data proposed to be maintained
13 in the system; and

14 (2) the policies of the Center to comply with the federal Family
15 Educational Rights and Privacy Act, and other privacy measures required by law or
16 the Governing Board.

17 SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 1,
18 2010, and before the incorporation of any individual data in the Maryland
19 Longitudinal Data System, the Governing Board of the Maryland Longitudinal Data
20 System Center shall submit a data security and safeguarding plan for the Center that
21 considers an opt-out provision to the Governor and, in accordance with § 2-1246 of the
22 State Government Article, the General Assembly. On or before February 1, 2011, the
23 Governing Board shall brief the Senate Education, Health, and Environmental Affairs
24 Committee and the House Committee on Ways and Means regarding the plan.

25 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the
26 General Assembly that federal or other funds that are not from the General Fund of
27 the State be used first for the funding of the creation and establishment of the
28 Maryland Longitudinal Data System and the Maryland Longitudinal Data System
29 Center.

30 SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the
31 General Assembly that the Maryland Longitudinal Data System and the Maryland
32 Longitudinal Data System Center be fully operational on or before December 31, 2014.

33 SECTION ~~7~~ 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act
34 shall take effect July 1, 2010. It shall remain effective for a period of 1 year and, at the
35 end of June 30, 2011, with no further action required by the General Assembly,
36 Section 2 of this Act shall be abrogated and of no further force and effect.

37 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
38 Section 7 of this Act, this Act shall take effect July 1, 2010.